

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT R. PORTER,)
Plaintiff,) Civil Action No. 04 - 464
v.) Judge Thomas M. Hardiman /
DAVE BLAKE, Corrections) Magistrate Judge Lisa Pupo
Officer; BARRY WRIGHT,) Lenihan
Corrections Officer; and)
MARK CAPOZZA, Unit)
Manager,)
Defendants.)

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on March 25, 2004 and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. On April 6, 2004, this case was transferred to United States Magistrate Judge Lisa Pupo Lenihan. The Plaintiff commenced this action and Civil Action No. 04-465 pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983; these cases have been consolidated at Civil Action No. 04-464 (doc. no. 66) to include defendants Dave Blake, Corrections Officer; Barry Wright, Corrections Officer; and Mark Capozza, Unit Manager.

The Magistrate Judge's Report and Recommendation filed on January 16, 2007 (doc. no. 67) recommended that the Defendants' Motion for Summary Judgment (doc. no. 38) be granted and that the Plaintiff's Motions for Summary Judgment (doc. nos. 55 & 57) be denied. Service was made on plaintiff at S.C.I. Camp Hill and on counsel of record. Plaintiff filed Objections to the Report and Recommendation on January 29, 2007 (doc. no. 68). The Objections do not affect the disposition recommended in the Report and Recommendation.

After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 31st day of January, 2007;

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (doc. no. 38) is **GRANTED**.

IT IS FURTHER ORDERED that the Plaintiff's Motions for Summary Judgment (doc. nos. 55 & 57) be **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court mark this action as **CLOSED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 67) of Magistrate Judge Lenihan, dated January 16, 2007, is adopted as the opinion of the court.


Thomas M. Hardiman
Thomas M. Hardiman
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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All counsel of record